

## CIVIL DOCKET

UNITED STATES DISTRICT COURT

Jury demand date:

D. C. Form No. 106A Rev.

TITLE OF CASE		ATTORNEYS					
<p>CHEROKEE PIPE LINE COMPANY, A Corporation</p> <p>vs</p> <p>Frank Nutty, Inc., A Corporation and Eugene Luhr &amp; Co., a Corporation</p>		<p><b>For plaintiff:</b></p> <p>George H. Bowen, <del>Roger R. Scott and</del> <del>Donald E. Pray</del> LU 3-1366 <del>2800 4th National Bank Building</del> <del>Tulsa, Oklahoma 74119</del></p> <p>Schuman, Pray &amp; Levy 2800 4th National Bank Building Tulsa, Oklahoma 74119</p> <p>Dan A. Rogers, 1300 Petroleum Club Bldg. 143-5111 Tulsa, Oklahoma 74119</p>					
		<p><b>For defendant:</b></p> <p>A. M. Covington LU 5-5537 Pythian Building Tulsa, Oklahoma 74103</p> <p>Alfred B. Knight LU 4-6458 Beacon Building Tulsa, Oklahoma 74103</p>					
STATISTICAL RECORD	COSTS			DATE	NAME OR RECEIPT NO.	REC.	DISB.
J.S. 5 mailed 7-1-68	Clerk			1968 6-20	Schuman	15 00	
J.S. 6 mailed 4-1-69	Marshal			6-27	CD 56		15 00
Basis of Action: Damage to Pipeline	Docket fee						
	Witness fees						
Action arose at: Ponca City	Depositions						

DATE	PROCEEDINGS	Date Order or Judgment Noted
6-20-68	Complaint filed and summons issued. ds	
7-5-68	Summons returned, filed - served Frank Nutty, Inc., A corporation by serving Glendale Church, Office Manager, at Vienna, Illinois, on 7-2-68 (\$37.60) b	
7-19-68	Return on summons filed. Served Eugene Luhr & Co. by serving The Corporation Company, registered service agent, at Okla City, Okla, on 7-1-68. (\$4.00) Served Frank Nutty, Inc. a corp. by serving Mr. Glendale Church, Office Mgr for Frank Nutty, Inc. at Vienna, Ill. on 7-2-68. (\$37.60.) ds	
7-22-68	Stipulation, filed and defendant Eugene Luhr & Co. have until 8-5-68 to file answer. js	
7-24-68	Plaintiff's motion for production, inspection, copying of documents under Rule 34, filed. b	
7-24-68	Memorandum of plaintiff in support of motion for production, inspection and copying of documents under Rule 34, filed. b	
7-25-68	Ordered by the Court that the defendants comply with the plaintiff's motion for production, inspection and copying of documents under Rule 34 FRCP within 10 days or if the motion is objected to, the defendants respond, with brief, to said motion within said period. (Fred Daugherty-Judge) b	
8-1-68	Response to motion for production of Documents filed by defendant Eugene Luhr & Co. filed. h	
8-1-68	Answer of Defendant Eugene Luhr & Co. filed. h	
8-1-68	Objection and response to plaintiff's motion under rule 34, filed. w	
8-1-68	Brief in support of objections to plaintiff's motion under rule 34, filed. w	
8-5-68	Answer and Cross-Complaint of defendant Frank Nutty, Inc., a corporation, filed. b	
8-8-68	Order that defendants agree to comply with Paragraph 1 and 2 of plaintiff's motion (Rule 34) and that objection of deft. Frank Nutty, Inc., to Paragraph 3 is sustained, filed. (FD-J)w	
8-23-68	Reply of Plaintiff To Cross-Complaint of Frank Nutty, Inc. filed. js	
8-23-68	Brief in support of section I of reply of Plaintiff to Cross-Complaint, filed js	
8-29-68	Ordered by the Court that this case is set for pre-trial on Wednesday, September 4, 1968, at 10:20 a.m. (FD-J)w	
9-3-68	Plaintiff's request for admission of facts, filed. b	
9-4-68	Pre-trial hearing held. Deft. Frank Nutty, Inc., requests jury trial and it is granted unless he later waives. Parties may admit the amount of damages. It is ordered that parties file briefs simultaneously within 30 days on question of counter-claim, last clear chance, degree of care and assumption of risk. Plaintiff to prepare pre-trial order. (FD-J)w	
9-13-68	Application for extension of time to file answers to plaintiff's request for admissions, with order granting 15 days from this date, filed. (MME-Clerk, by HRW)w	
9-16-68	Answer to Plaintiff's Request for Admission of Facts, filed by deft. js	
9-16-68	Plaintiff's First Interrogatories To Defendant, filed, as Frank Nutty Inc. js	
9-25-68	Application for extension of time to file answers to plaintiff's interrogatories, with order granting 15 days from this date to file answers to interrogatories, filed. (MME-Clerk, by HRW)w	
9-26-68	Application of plaintiff for leave to file an amended complaint, filed. b	
10-1-68	Order granting plaintiff the right to file its amended complaint and ordering defendants to answer amended complaint within 15 days from today, filed. (FD-J)w	

(continued on Page 3, Sheet No. 2)

DATE	PROCEEDINGS	Date Order or Judgment Noted
10-1-68	Amended complaint, filed. w	
10-1-68	Brief of plaintiff in response to Sept. 4, 1968, order of court, filed. w	
10-3-68	Answers to Interrogatories, by Frank Nutty, filed. js	
10-7-68	Application and order for additional time to plead and file memorandum brief filed. It is ordered that defendant Frank Nutty, Inc., a corp., is granted 15 days from this date in which to answer and to file its Memorandum brief. (FD-J)h	
10-16-68	Defendant, Frank Nutty, Inc. a Corp.'s Answer to amended complaint, filed. ds and cross-complaint	
10-17-68	Answer of defendant Eugene Luhr & Co., A corporation to amended complaint, filed. w	
10-18-68	Reply of plaintiff to cross-complaint of Frank Nutty, Inc. filed. ds	
10-22-68	Memorandum brief of Authority filed by defendant Frank Nutty, Inc. h	
10-24-68	Notice to take depositions of P.W. Britton filed by plaintiff. h	
11-25-68	Deposition of William E. Harlan taken on behalf of plaintiff on 11-4-68; (Fees: \$35.00, pd by plaintiff), filed. m	
12-17-68	Pre-trial order filed, case to be set on jury assignment. (Fred Daugherty - Judge) b	
12-31-68	Defendant's Interrogatories, filed. ds	
1-10-69	Stipulation, filed, Order, plaintiff have until 2-1-69 to respond to interrogatories. (FD-J). filed. js	
1-14-69	Defendant, Frank Nutty, Inc.'s motion to attach exhibits to answer and cross-complaint, filed. 1-14 mailed	
1-14-69	Deposition of Wayne Britton, taken at Mattoon, Illinois, before Marjorie W. Yelvington, filed. b	
1-15-69	Ordered by the Court that the defendant, Frank Nutty, Inc.'s motion to attach exhibits to answer and cross-complaint is granted by the Court. (Fred Daugherty - Judge) b	
1-31-69	Plaintiff's answers to defendant's (Frank Nutty, Inc.) Interrogatories Number 1 through 12, filed. ds	
2-12-69	Case set for Jury Trial on Weds. 3-12-69 at 9:30 A.M. (FD-J)h	
2-17-69	Motion To Require Answers to Interrogatories, by deft. filed. js	
2-17-69	Brief in Support of Motion to Require Answers to Interrogatories, filed. js (Frank Nutty, Inc.)	
2-17-69	Motion For Production, Inspection and Copying of Documents Under Rule 34, by defendant. filed. js (Frank Nutty, Inc.)	
2-17-69	Brief in Support of Motion for Production, Inspect on & Copying of Documents . filed. js	
2-10-69	Ordered by the Court that the plaintiff comply with the defendant Frank Nutty, Inc.,'s motion for production, inspection and copying of documents under Rule 34 within 10 days from date or if the motion is objected to, that within 5 days the plaintiff file objections to the motion with a supporting brief. (Fred Daugherty-Judge) b	
2-21-69	Order that deft. Frank Nutty's motion to require plaintiff to answer more fully certain interrogatories is overruled in part and sustained in part, and that pltf. file answers to interrogatories as directed within 10 days from today, filed. (FD-J)m	
2-27-69	Supplement to plaintiff's answers to defendant's (Frank Nutty, Inc.) Interrogatories No. 1 thru 42, filed. m	
3-3-69	Motion by plaintiff for summary judgment, filed. m <i>mailed</i>	
3-3-69	Plaintiff's brief in support of its motion for summary judgment, filed. m <i>mailed</i>	
3-7-69	Case stricken from jury assignment of 3-12-69 because it is being settled. (FD-J)m	

## Sheet No. 2

DATE	PROCEEDINGS	Date Order or Judgment Noted
3-26-69 3-26-69	Application of parties to dismiss with prejudice, filed. b Order of dismissal filed and entered, action and cross-complaint dismissed with prejudice to any future action. (Fred Daugherty-Judge) b copies mailed to counsel. b	
		